

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

VICKY RODRÍGUEZ TORRES, *et al.*

Plaintiffs

v.

**GOVERNMENT DEVELOPMENT BANK P.R.,
GUILLERMO CAMBA CASAS**

Defendants

CIVIL No. 09-2199 (FAB)

RETALIATION , TORTS

**PLAINTIFF DEMANDS A
TRIAL BY JURY**

**MOTION FOR ISSUANCE OF WRITS OF EXECUTION
REGARDING PAYMENT OF MONETARY SANCTIONS**

TO THE HONORABLE COURT:

COMES NOW, the Government Development Bank of Puerto Rico (“GDB”), through the undersigned counsel, and respectfully states, alleges and prays as follows:

1. On March 27, 2012 defendants filed a “Motion Requesting Attorney’s Fees pursuant to Rule 54 (d)(2) of Civil Procedure and 28 U.S.C. §1927 and Memorandum of Law in Support Thereof”, against plaintiffs and their former attorneys Miguel A. Cuadros and William E. Meléndez. See Dkt. No. 139.

2. On March 27, 2012 this Honorable Court ordered plaintiffs to respond by April 13, 2012 to defendants’ request for attorney’s fees and ordered the Clerk to notify plaintiffs, through certified mail, with a copy of the order, inasmuch as their counsel had been suspended from practice before this Court. See Dkt. No. 140. Attorneys William E. Meléndez and Miguel A. Cuadros were notified of this order through the CM/ECF system.

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3. On April 13, 2012 plaintiffs appeared *pro se* before this Honorable Court and requested that the Court to appoint them a lawyer. See Dkt. No. 144. On April 13, 2012, this Honorable Court denied plaintiffs' request. See Dkt. No. 145. Copy of said order was notified by certified mail to plaintiffs.

4. Attorneys Meléndez and Cuadros did not make an appearance with respect to the request for fees or otherwise object or defend against defendants' request for fees. Therefore, on July 30, 2012, this Honorable Court entered an Order granting defendants' request for attorney's fees against counsel William E. Meléndez and Miguel A. Cuadros in the amount of \$40,926.36. See Dkt. No. 150.

5. On August 27, 2012, attorneys Miguel A. Cuadros and William E. Meléndez filed a Motion for Reconsideration of this Honorable Court granting defendants' request for attorney's fees. See Dkt. No. 152. On September 6, 2012, defendants filed their Opposition to the aforementioned Motion for Reconsideration. See Dkt. No. 153.

6. On September 6, 2012 this Honorable Court entered an Order denying attorneys Miguel A. Cuadros and William Meléndez' Motion for Reconsideration. See Dkt. No. 154.

7. On October 4, 2012, attorneys Miguel A. Cuadros and William Meléndez filed a Notice of Appeal of the Court's Order on Motion for Attorney's Fees. See Dkts. Nos. 156, 157 and 158. Said Appeal is currently pending before the U.S. Court of Appeals.

8. Inasmuch as attorneys Miguel A. Cuadros and William Meléndez have not requested, and this Court has not so ordered, the stay of the execution of the July 30, 2012 order, the GDB hereby requests the Court to issue a writ of execution against counsel Cuadros and Meléndez, pursuant to Rule of Civil Procedure 69(a), and the Puerto Rico's Rule of Civil Procedure 51.2, P.R.

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Laws Ann. Tit. 32, Ap. V, ordering the enforcement of the order to pay defendants \$40,926.36, plus accrued interests, unless the Court directs otherwise.

5. Alternatively, the GDB requests that measures be taken to ensure the GDB's interests pursuant to Rule 62(b) and/or Rule 8(a) of the Federal Rules of Appellate Procedure and Local Rule 65.1 through the posting of a Supersedeas Bond in an amount equal to the July 30, 2012 order, plus post-judgment interest calculated pursuant to 28 U.S.C. §1961(a).

9. Also, on March 13, 2012, the U.S. Court of Appeals entered a Judgment affirming this Honorable Court Final Judgment dismissing with prejudice plaintiffs' claims. In the aforementioned Judgment the U.S. Court of Appeal stated: "[s]anctions in the amount of \$2,000 are awarded in favor of defendants, to be paid personally by plaintiffs' counsel, William Meléndez-Menéndez, without recourse to reimbursement from his clients." See Dkt. No. 138. Subsequently, the Clerk for the U.S. Court of Appeals taxed costs against plaintiffs in the amount of \$179.08. See Dkts. Nos. 146 and 148. The aforementioned judgement and order became final and unappealable.

10. Defendants respectfully request that the Court issue three writs of execution pursuant to Rule of Civil Procedure 69 (a), 28 U.S.C.A., R. 69(a) and Puerto Rico's Rule of Civil Procedure, 51.2, P.R. Laws Ann. tit. 32, Ap. V. The first Writ of Execution shall be issued against counsels Miguel A. Cuadros and William E. Meléndez, pursuant to Rule of Civil Procedure 69(a), and the Puerto Rico's Rule of Civil Procedure 51.2, P.R. Laws Ann. Tit. 32, Ap. V, ordering the enforcement of the order to pay defendants \$40,926.36, plus accrued interests, unless the Court directs otherwise. The second Writ of Execution shall be issued against plaintiffs themselves ordering the enforcement of the Order to pay \$179.08 plus \$6,549.04 for costs in appeal, plus accrued interest unless the Court

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directs otherwise. The third Writ of Execution shall be issued against counsel William E. Meléndez ordering the enforcement of the U.S. Court of Appeals Judgment that imposed sanctions in the amount of \$2,000.00, plus accrued interests, unless the Court directs otherwise.

WHEREFORE, the GDB respectfully move the Court to issue the writs of execution pursuant to the applicable rules for the execution of payment of attorney's fees, costs and sanctions.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of December, 2012.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Parties may access this filing through the Court's system. In addition, notice to counsel William Meléndez and counsel Miguel Cuadros will be made through certified and regular mail. Notice to plaintiffs Vicky Rodríguez and Luis R. Maldonado will be made through certified and regular mail. To this effect, on this same date paper copies were served by certified and regular mail to plaintiffs, Vicky Rodríguez and Luis R. Maldonado, 650 Sergio Cuevas, Apto. 1911, Condominio Segovia, San Juan, Puerto Rico, 00918; by certified and regular mail to Miguel A. Cuadros Pesquera, Esq., 701 Ponce de León Ave., Suite #215, San Juan, Puerto Rico 00907; and by certified and regular mail to William E. Meléndez Menéndez, P.O. Box 13685, San Juan, Puerto Rico, 00908 and 415 Park Avenue, 15th Floor, Suite 1233, New York, New York, 10022.

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